IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No. 449 of 2006
Date of decision : 16.1.2007

M/s Mehar Singh & Sons.

.....Petitioner.

Versus

Union of India & Ors.

.....Respondent.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr.B.R. Mahajan,Advocate
for the petitioner.

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VINOD K. SHARMA,J.(ORAL)

The present revision has been filed against the order passed by the learned Civil Judge (Sr. Divn.), Amritsar disposing of the execution application filed by the petitioner herein by recording a finding that the petitioner was entitled to a sum of Rs. 3610/- (Rs. three thousand and ten only). The said amount was further directed to be paid by 24.9.2005.

The petitioner by way of execution of an award had claimed a sum of Rs. 3,50,000/- (Rs. three lac and fifty thousand only) along with interest @ 15% per annum. In reply to the said application the judgment-debtor took a stand that out of the decretal amount a sum of Rs. 3,42,770/- (Rs. three lac forty two thousand seven hundred and seventy only) stands paid to the petitioner on 24.7.2000 and nothing more was due. The amount was calculated in terms of the award which was made rule of the Court. However, the petitioner claimed that they were entitled to interest and cost on the said amount. The contention raised by the petitioner was totally misconceived as the award passed by the learned arbitrator reads as under :-

> "Now, therefore, on consideration of the claims of the claimants and counter-claim of the respondents and my findings above, I do hereby make this award that the respondents do pay to the claimants a sum of Rs. 2,49,535/-(Rupees two lakhs forty nine thousand five hundred and thirty five only) plus interest as awarded under claim No. 20 and also the respondent shall release the bank guarantee of Rs.1.0 lakh in favour of claimants as awarded in claim No. 18, in full and final settlement of all the claims and counter-claims above."

The amount deposited, therefore, was in consonance of the award and, therefore, the executing Court was right in coming to the conclusion that the balance amount due was only Rs. 3710/- (Rupees three thousand seven hundred and ten only).

There is no illegality in the order which may call for interference by this Court in exercise of revisional jurisdiction.

Dismissed.

16.1.2007 **(VINOD K. SHARMA)**
'sp' **JUDGE**